

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

RFA Nos. 73, 111, 133, 65, 77,
79, 81, 92 and 93 of 1999.

Date of decision October 3, 2007.

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| 1. <u>RFA 73 /1999</u> | | |
| Sidarth | v. | State of H.P. & another |
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| 2. <u>RFA 111 of 1999</u> | | |
| Roop Ram & others | v. | State of H.P. & another |
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| 3. <u>RFA 133 of 1999 with CMPs 1032 and 719 of 2007.</u> | | |
| Suresh Kumar and others | v. | State of H.P. & another |
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| 4. <u>RFA 77 of 1999.</u> | | |
| Roop Ram and others | v. | State of H.P. & another |
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| 5. <u>RFA 65 of 1999.</u> | | |
| Jai Dutt | v. | State of H.P. & another |
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| 6. <u>RFA 79 of 1999.</u> | | |
| Mansa Ram | v. | State of H.P. & another |
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| 7. <u>RFA 81 of 1999.</u> | | |
| Rama Nand | v. | State of H.P. & another |
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| 8. <u>RFA 92 of 1999.</u> | | |
| Sarup Dutt | v. | State of H.P. & another |
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| 9. <u>RFA 93 of 1999</u> | | |
| Roop Ram and another | v. | State of H.P. & another. |
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Coram

The Hon'ble Mr. Justice Dev Darshan Sud, J.

Whether approved for reporting?¹

¹ *Whether reports of Local Papers may be allowed to see the judgment?*

For the appellant(s): Mr. Bhupinder Gupta, Sr.
Advocate, with Ms. Charu
Gupta, Advocate.

For the Respondents: Mr. M.S.Chandel, Advocate
General, with Mr. Rajan Dewan,
Addl. AG.

Dev Darshan Sud, J. (Oral) .

These appeals are being disposed of by a common judgment as they involve common questions of law and facts.

The claimants have preferred these appeals against the judgment of the learned District Judge, Solan claiming enhancement in the compensation allowed by the learned Reference Court of the acquired lands of the petitioner. The basic facts are not in dispute before me. The learned Reference Court determined the fair market value of the acquired land at Rs.45,000/- per bigha and based on the judgments of the Hon'ble Supreme Court, in State of H.P. and others v. Dharam Dass (1995) 5 SCC 683, deducted 40% from this assessed value, holding that deduction should be made on the market value of land which is greater in area when the comparative sale method is applied as the value of smaller chunks is more than that of large area of land.

Learned counsel appearing for the appellants submits that the deduction which has been made by the learned Reference Court cannot be justified in law. I am not persuaded to take a different view from that which has been taken by the learned District Judge for the reason that even accepting the contention of learned counsel for the appellants, deduction has to be made for development of the land which has been fixed by the Hon'ble Supreme Court at varying rates from 33.13% to 50%. After examining the evidence on record, I am satisfied that the appellants have been awarded fair and just compensation. In the facts and circumstances, there is no merit in these appeals which are accordingly dismissed. There shall be no order as to costs.

October 3, 2007(PC) .

(Dev Darshan Sud) , J.